

Exhibit 5

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1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

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4 PHILIP WONG, FREDERIC CHAUSSY,

5 And LESLIE MARIE SHEARN,

6 Individually, on behalf of all

7 Others similarly situated, and

8 On behalf of the general public,

9 Plaintiffs,

10 vs. NO. 3:07-CV-2446 MMC

11 HSBC MORTGAGE CORPORATION (USA)

12 HSBC BANK, USA, N.A.; and

13 DOES 1 through 50, inclusive,

14 Defendants.

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17 DEPOSITION OF PHILIP WONG

18 SAN FRANCISCO, CALIFORNIA

19 NOVEMBER 29, 2007

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22 Reported by Yvonne Fennelly, CSR No. 5495

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25

00115

1 for identification.)

2 BY MR. TICHY:

3 Q. Do you recognize this document?

4 A. Yes.

5 Q. Is this a schedule that was provided to the
6 various loan officers for July of 2007?

7 A. Yes.

8 Q. And when it indicates a location such as
9 Montgomery or Irving, is that a location of HSBC Bank?

10 A. Yes.

11 Q. And were there any particular hours that the
12 bank was open in July?

13 A. From 9:00 to 5:00.

14 Q. 9:00 to 5:00?

15 A. Okay.

16 Q. And did you, when you went to work at any
17 branch, come to that branch at a specific time which you
18 had established in advance, or did it vary?

19 A. No, I was there from 9:00 to 5:00. At times we
20 would have to join the branch meetings, and that was at
21 8:00 o'clock. And the majority of our time was spent --
22 before we even left, we would all stay there until
23 everyone left.

24 Q. Okay.

25 Now, when you say "everyone left," you're

00116

1 talking about customers?

2 A. No. Bank employees.

3 Q. Did anyone tell you that you had to arrive at a

4 bank at 9:00 o'clock?

5 A. We had e-mail sent by Amy Ku stating that we

6 should be professionals assigned by our schedule and be

7 at that banking center.

8 Q. Right.

9 Was there anything that was ever indicated to

10 you that you had to be there at 9:00 o'clock as opposed

11 to 9:15 or 9:30?

12 A. Can you rephrase the question?

13 Q. I'll let her read it back.

14 (Record read.)

15 THE WITNESS: Yes, according to the e-mail from

16 Amy Ku.

17 BY MR. TICHY:

18 Q. Now, how many e-mails did you get from Amy Ku

19 that told you you had to be there at 9:00 o'clock?

20 A. As of today, I do not recall.

21 Q. Was it more than one?

22 A. Yes.

23 Q. And your recollection as you sit here today is

24 that when we go into those e-mails, there is going to be

25 an e-mail that says you must be at the bank at